

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION

UNITED STATES OF AMERICA

V.

CRIMINAL ACTION NO. 2:16-CR-3-KS-MTP

KENNETH E. FAIRLEY, SR.  
and ARTIE FLETCHER

**ORDER**

This matter is before the Court on the Motion to Dismiss Counts 4, 5, and 6 of the Indictment (“Motion to Dismiss Counts”) [63] filed by the Government, and the Motion for Reconsideration [58] and Motion to Dismiss for Prosecutorial Misconduct [62] by Defendant Kenneth E. Fairley, Sr.

Finding no opposition to the Motion to Dismiss Counts [63], the Court will **grant** this motion and Counts 4, 5, and 6 of the Indictment will be **dismissed**. The dismissal of these counts renders Defendant’s Motion for Reconsideration [58] moot and it will be **denied** as such.

Furthermore, pursuant to the hearing held on the record on September 6, 2016, and for the reasons stated therein, the Motion to Dismiss for Prosecutorial Misconduct [62] is **denied**.

IT IS THEREFORE ORDERED AND ADJUDGED that the Motion to Dismiss Counts [63] is **granted**, and Counts 4, 5, and 6 of the Indictment will be **dismissed**.

IT IS FURTHER ORDERED AND ADJUDGED that the Motion for Reconsideration [58] is **denied as moot**.

IT IS FURTHER ORDERED AND ADJUDGED that the Motion to Dismiss for Prosecutorial Misconduct [62] is **denied** as stated in the hearing held on September 6, 2016.

SO ORDERED AND ADJUDGED this the <sup>8</sup>~~9~~th day of September, 2016.

*S/ Keith Starrett*  
UNITED STATES DISTRICT JUDGE